

901:10-4-01

General permit to operate requirements.

(A) General permit to operate or general permit means a type of permit developed by the director for one or more categories of facilities as facility is defined in rule 901:10-1-01 of the Administrative Code.

(1) The director shall develop general permits to operate that relate to the following areas:

- (a) The facilities involve the same or substantially similar operations including, but not limited to, the same types of animals;
- (b) The facilities manage the same types of manure storage or treatment facilities or operate with substantially similar manure management plans; or
- (c) The facilities are regulated by a NPDES permit and have similar discharge characteristics and require the same operating conditions to meet either effluent limitations or water quality standards.

(2) The general permit to operate may be written to cover facilities within a geographic area, including but not limited to the following:

- (a) Existing geographic or political boundaries;
- (b) Any other appropriate combination of boundaries.

(B) The following are eligible for general permits to operate. Any owner or operator may apply for a general permit to operate if the owner or operator falls under one of the following categories:

- (1) Construction stormwater sources;
- (2) Any concentrated animal feeding facility that requires NPDES permit coverage as a concentrated animal feeding operation and is not a major concentrated animal feeding facility; ~~or~~
- (3) Any concentrated animal feeding facility that is not a major concentrated animal feeding facility; or
- (4) Other facilities or operations that meet the criteria in paragraph (A) of this rule.

- (C) If the director decides to issue a general permit to operate the director shall follow the notice procedures in Chapter 901:10-6 of the Administrative Code.
- (D) No provision in any general permit to operate issued under this rule shall be interpreted as allowing the owner or operator to violate state water quality standards or other applicable environmental standards.
- (E) General permits to operate will be effective for a term not to exceed five years at the end of which time the director may renew them. Public notice requirements as found in Chapter 901:10-6 of the Administrative Code shall be satisfied prior to renewal of general permits. If the director chooses not to renew a general permit to operate, all facilities or operations covered under that general permit to operate, shall be notified to submit applications for individual permits. If the director chooses to deny, modify, revoke or suspend a general permit to operate the director will afford the affected parties the opportunity to request a hearing under Chapter 119. of the Revised Code.
 - (1) The director may deny, modify, suspend, or revoke eligibility for or coverage under a general permit to operate in situations that include, but are not limited to the following:
 - (a) Noncompliance with the general permit to operate; or
 - (b) Noncompliance with rules of Chapter 903. of the Revised Code.
 - (2) The director may modify, suspend, or revoke eligibility for or coverage under a NPDES general permit to operate for the criteria set forth in paragraphs (E)(1) of this rule or in the following situations:
 - (a) The discharging facility is not in compliance with the conditions of the general NPDES permit;
 - (b) New discharges which are not discharges currently covered by a NPDES general or individual permit. A general NPDES permit to operate will not be issued for new discharges associated with concentrated animal feeding facilities requiring a NPDES permit if the receiving waters are designated as outstanding national resource waters, outstanding high quality waters, superior high quality waters, or state resource waters, or to receiving waters that discharge to a water with one of these designations within two stream miles of the discharge point;

- (c) A discharge exists and is a significant contributor of pollutants. The director may consider the following factors:
 - (i) Location of discharge with respect to waters of the State;
 - (ii) Size of discharge; and
 - (iii) Quantity and nature of pollutants discharged; or other relevant factors.
 - (d) Conditions at the permitted NPDES operation change, altering the constituents or characteristics of the discharge such that the discharge no longer qualifies for coverage under a general permit;
 - (e) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general NPDES permit or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
 - (f) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of effluent or effluent limitations are promulgated for the facility covered by the general permit;
 - (g) A determination has been made that the waters are not meeting applicable water quality standards; or and approved water quality management plan; or
 - (h) Effluent limitation guidelines are promulgated for point sources covered by the general NPDES permit.
- (3) The director may require any discharging facility authorized by a NPDES general permit to operate to apply for and obtain an individual NPDES permit to operate. Any interested person may petition the director to take action under this paragraph. Cases where an individual NPDES permit to operate may be required shall be as set forth in the criteria of paragraph (E)(2) of this rule.
- (F) Each general NPDES permit to operate for NPDES operations must be approved by the United States environmental protection agency before the permit becomes effective.

- (G) Only the director may modify general permits to operate. When a permit is modified, only the conditions subject to modification are reopened. The owner or operator shall be afforded the opportunity to request a hearing in accordance with Chapter 119. of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 02/17/2017

Certification

Date

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